

HOUSE BILL NO. HB0298

Concealed weapon authority.

Sponsored by: Representative(s) Hinckley, Brechtel,
Buchanan, Cohee, Diercks, Semlek and Simpson
and Senator(s) Anderson, J., Case and
Nicholas

A BILL

for

1 AN ACT relating to concealed weapons; authorizing the
2 carrying of concealed weapons by nonfelons as specified;
3 providing limitations; and providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 6-8-105 is created to read:

8

9 **6-8-105. Wearing or carrying concealed weapons;**
10 **nonpermit holders; violations, penalties.**

11

12 (a) To carry a concealed deadly weapon without a
13 permit under W.S. 6-8-104(a)(iv), a person shall meet the
14 following requirements:

15

1 (i) Be at least twenty-one (21) years of age;

2

3 (ii) Does not suffer from a physical infirmity
4 which prevents the safe handling of a firearm;

5

6 (iii) Has not been found ineligible to possess a
7 firearm pursuant to 18 U.S.C. section 922(g) or W.S.
8 6-8-102;

9

10 (iv) Has not been committed to a state or
11 federal facility for the abuse of a controlled substance or
12 convicted of a violation of the Wyoming Controlled
13 Substances Act of 1971, W.S. 35-7-1001 through 35-7-1057 or
14 similar laws of any other state or the United States
15 relating to controlled substances. It shall be presumed
16 under this section that an applicant chronically and
17 habitually uses controlled substances to the extent that
18 his normal faculties are impaired if the applicant has been
19 required to undergo treatment for the use of a controlled
20 substance within the last six (6) years;

21

22 (v) Does not chronically or habitually use
23 alcoholic liquor and malt beverages to the extent that his
24 normal faculties are impaired. It shall be presumed under

1 this section that an applicant chronically and habitually
2 uses alcoholic beverages to the extent that his normal
3 faculties are impaired if the applicant has been
4 involuntarily committed to any residential facility
5 pursuant to the laws of this state or similar laws of any
6 other state as a result of the use of alcohol;

7
8 (vi) Has been a resident of the state for at
9 least ninety (90) days before carrying a concealed deadly
10 weapon under this section.

11
12 (b) Whenever a person carrying a concealed deadly
13 weapon under this section is stopped, detained, questioned
14 or addressed in person by a peace officer, he shall
15 immediately inform the peace officer that he is carrying a
16 concealed deadly weapon under this section. The peace
17 officer may secure the concealed deadly weapon, or direct
18 that it be secured, during the duration of the contact
19 between the person and the peace officer if the peace
20 officer determines that the action is necessary for the
21 safety of any person present, including the peace officer.

22

1 (c) A person shall not carry a concealed deadly
2 weapon under this section into any location specified in
3 W.S. 6-8-104(t).

4

5 **Section 2.** W.S. 6-8-104(a)(ii), (iii) and by
6 creating a new paragraph (iv) is amended to read:

7

8 **6-8-104. Wearing or carrying concealed weapons;**
9 **penalties; exceptions; permits.**

10

11 (a) A person who wears or carries a concealed deadly
12 weapon is guilty of a misdemeanor punishable by a fine of
13 not more than seven hundred fifty dollars (\$750.00),
14 imprisonment in the county jail for not more than six (6)
15 months, or both, unless:

16

17 (ii) The person possesses a permit under this
18 section;~~or~~

19

20 (iii) The person holds a valid permit
21 authorizing him to carry a concealed firearm authorized and
22 issued by a governmental agency or entity in another state
23 that recognizes Wyoming permits, is a valid statewide
24 permit, and the state has laws similar to the provisions of

1 this section, as determined by the attorney general,
2 including a proper background check of the permit holder;
3 or

4
5 (iv) The person is not ineligible to possess a
6 firearm under 18 U.S.C. section 922(g), has not been found
7 guilty of or pled nolo contendere to a crime constituting a
8 felony and has not otherwise been denied a permit under
9 this section, provided the person is twenty-one (21) years
10 of age or older and complies with W.S. 6-8-105.

11

12 **Section 3.** This act is effective July 1, 2005.

13

14 (END)